

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2003-014046

08/18/2008

HON. DANIEL G. MARTIN

CLERK OF THE COURT

T. Fenton

Deputy

IN RE THE MARRIAGE OF  
RAYMOND K SCHRAGEL

GILBERT B WEINER

AND

CHRISTY G SCHRAGEL

NEAL G HORENSTEIN

CONCILIATION SERVICES-CCC  
DOCKET-FAMILY COURT CCC  
FAMILY COURT SERVICES-CCC

JUDGMENT/DECREE

Pending before the Court is Respondent Christy Schragel's ("Mother") December 28, 2007 Petition for Order to Show Cause Re: Contempt for Failure to Pay Child Support, Re: Contempt for Failure to Abide by Terms of Decree, Modification of Parenting Time and Modification of Income Tax Deductions. The Court convened a hearing on August 6, 2008, at which time Mother and Petitioner Raymond Schragel ("Father") appeared and presented evidence. Having considered that evidence, and the arguments of counsel, the Court makes the following findings and rulings.

**THE COURT FINDS** that Father is in arrears on his child support obligation in the amount of \$2,368.21.

**THE COURT FURTHER FINDS** that Father has failed to make an equalization payment to Mother in the amount of \$1,450.00, as required under the terms of the parties' Decree of Dissolution dated July 14, 2004 (hereinafter the "Decree").

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**THE COURT FURTHER FINDS** that Mother has established that she incurred unreimbursed medical expenses in the amount of \$860.00, and that Father is responsible for 60% of those expenses (\$516.00) under the terms of the Decree.

**THE COURT FURTHER FINDS** that Father has established that he incurred unreimbursed medical and dental expenses in the amount of \$5,786.88, and that Mother is responsible for 40% of those expenses (\$2,314.75) under the terms of the Decree.

**THE COURT FURTHER FINDS** that Father is entitled to an offset of \$2,314.75 against the amount he owes Mother, and that such offset should first be applied to Father's share of Mother's unreimbursed medical expenses and the unpaid equalization payment.

**THE COURT FURTHER FINDS** that after the application of Father's offset to his share of Mother's unreimbursed medical expenses and the unpaid equalization payment, there remains a credit in the amount of \$348.75, which may be applied towards Father's child support arrearage.

**THE COURT FURTHER FINDS** that upon the application of Father's credit to the child support arrearage, there remains an arrearage in the amount of \$2,019.46.

**THE COURT FURTHER FINDS** that Mother failed to present any substantial evidence to justify a modification of the current parenting time schedule.

Based on the foregoing findings,

**IT IS ORDERED** granting Judgment in favor of Respondent, Christy G. Schragel, and against Respondent, Raymond K. Schragel, in the amount of \$2,019.46 as and for child support arrears, together with interest to accrue at the legal rate of 10% per annum until paid in full.

**IT IS FURTHER ORDERED**, effective as of September 1, 2008, that Father shall pay to Mother an additional monthly amount of child support of not less than \$100.00 until the above arrearage is paid in full. All such payments shall be made through the Clearinghouse pursuant to an Order of Assignment.

ISSUED: Electronic Modified Order of Assignment.

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**IT IS FURTHER ORDERED** that neither party shall be entitled to make any further claims against the other for unreimbursed medical, dental, or vision expenses that were *paid* on or before August 7, 2008. In order to ensure that no ambiguity exists as to the manner in which the parties seek reimbursement for medical, dental, and/or vision expenses that are paid by one of the parties after August 7, 2008 (including payment on any bills that are presently outstanding),

**IT IS ORDERED** that except for good cause shown, any request for reimbursement of uninsured medical, dental and/or vision costs that have been paid by one parent must be provided to the other parent within 30 days after the date of payment for the services rendered, and must be accompanied by documentation that supports the amount of the payment made. The parent responsible for reimbursement must pay his or her share (according to the percentages set forth in the Decree), or make acceptable payment arrangements with the other parent, within 30 days after receipt of the request. Except as provided above, the parties shall comply with Section 9(A) of the Arizona Child Support Guidelines as to payment or reimbursement of uninsured medical, dental, and/or vision costs for their children (including payment on any bills that are presently outstanding).

**IT IS FURTHER ORDERED** that both parents remain under a duty to use their best efforts to obtain services that are covered by the insurance.

**IT IS FURTHER ORDERED** denying Mother's petition to modify parenting time. However, given the current disagreement as to the timing of exchanges, the Court believes that a referral to Conciliation Services is appropriate. Accordingly,

**IT IS ORDERED** referring the parties to Conciliation Services for mediation on the specifics of their parenting time schedule. The parties shall comply with all instructions and directives issued by Conciliation Services.

**IT IS FURTHER ORDERED** that each party must pay the **\$100 per party** fee at the Clerk of the Court filing counter, at least 30 days before the mediation. Each party must bring the receipt for payment or deferral to the mediation.

**IT IS FURTHER ORDERED** that Conciliation Services shall contact counsel for the parties to schedule a date and time for the mediation, to take place in Conciliation Services at:

Maricopa County Superior Court  
Central Courts Building  
201 West Jefferson, 3<sup>rd</sup> Floor  
Phoenix, Arizona 85003

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**WARNING**

**IF YOU FAIL TO APPEAR AT THE MEDIATION AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE SESSION AT LEAST THREE FULL COURT DAYS BEFORE THE MEDIATION.**

**IT IS FURTHER ORDERED** that Father shall pay a portion of Mother's attorney fees pursuant to A.R.S. § 25-324 as a sanction for his failure to have paid child support over an approximately seven month period. Not later than thirty (30) days after the entry of this ruling, counsel for Mother shall submit all necessary and appropriate documentation to support an application for attorney fees, including a *China Doll* affidavit and a form of order. If Mother's counsel fails to submit the attorney fee application within 30 days, no fees will be awarded.

**IT IS FURTHER ORDERED** signing this Minute Entry as a formal written Judgment of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

FILED: Exhibit Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

/ s / HON. DANIEL G. MARTIN

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JUDICIAL OFFICER OF THE SUPERIOR COURT